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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,772	07/13/2000	Scott Allen Carroll	auS9-2000-0323-US1	3973

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01/13/2005

Edmond A DeFrank
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EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,772

Applicant(s)

CARROLL ET AL.

Examiner

Matthew Heneghan

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-37, 39-42, 44-53, 55-58 and 60-64 is/are rejected.
- 7) ☒ Claim(s) 38, 43, 54, and 59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 July 2004 has been entered.
2. In response to the most recent office action, Applicant has cancelled all previous claims and added claims 33-64. Claims 33-64 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 33-37, 39-42, 45-48, 50-53, 55-58, 61, and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by the public use in the United States of "AtGuard", by WRQ, Inc., released in 1998, as described by "AtGuard Getting Started Guide," 1999 and "FAQs About Privacy, Cookies, and Referer Fields," 1999.

Regarding claims 33, 40, 42, 50, 56, and 58, AtGuard monitors and controls access of cookies by network web servers on a web browser, and maintains a count of prohibited accesses on a graphical user interface (see Guide, pp. 4-5). If a request is made by an external computer for a cookie (a digital tracking component), the domain name of the external computer is checked using the cookie rules (a cookie not corresponding to a rule gets automatically blocked, with a counter being incremented, according to the description in section 4.2), thereby automatically determining if the computer is associated with the cookie. If an appropriate rule exists, access is allowed (see FAQ, pp. 9-10).

As per claim 34, 45, 46, 51, and 61, the "Permit" rule designates domains to be automatically allowed (i.e. associates with a cookie). If the CookieAssistant is not being used, then the "Block Cookies Without Rules" option may be used to disallow them (see FAQ, Section 4.4).

As per claims 35, 36, 47, 48, and 52, the CookieAssistant may be activated to prompt for allowing or disallowing the domain if there is no positive match, constituting an alert. It may create a new rule that permanently blocks the remote computer.

As per claims 37 and 53, AtGuard runs on the computer on which it is installed (see Guide, p. 1), which is necessary the first computer.

As per claims 39 and 55, it is noted that cookies are defined as being stored on your (the client) computer by a web (host) server (see FAQ, Section 4.1).

As per claims 41 and 57, an example is given that references a world wide web server (www.javaworld.com) (see FAQ, section 4.4), so the Internet must be accessible via a networked connection.

Regarding claim 62, the portion of the software that applies the rules constitutes a "monitor module" and the triggered CookieAssistant constitutes a "notify module."

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 44, 49, 60, and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over the public use in the United States of "AtGuard", by WRQ, Inc., released in 1998, as described by "AtGuard Getting Started Guide," 1999 and "FAQs About Privacy, Cookies, and Referer Fields," 1999 as applied to claims 35, 47, 52, and 62 and further in view of U.S. Patent No. 5,434,562 to Reardon.

AtGuard does not provide an audible alert in the event of a prohibited access attempt.

The method for restricting computer access disclosed by Reardon provides for a sound alarm in the event of an intrusion, as it may be desirable to alert the user (see column 5, lines 15-22).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify AtGuard by adding a sound alarm, as disclosed by Reardon, as it may be desirable to alert the user.

5. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over the public use in the United States of "AtGuard", by WRQ, Inc., released in 1998, as described by "AtGuard Getting Started Guide," 1999 and "FAQs About Privacy, Cookies, and Referrer Fields," 1999 as applied to claim 62 and further in view of U.S. Patent No. 6,122,664 to Boukobza et al.

Though AtGuard provides for means to visually notify the user of the status, neither provides for the using of a color-coded alert in the event of a prohibited request.

Boukobza discloses a parameter for modules wherein a green icon is used to denote OK status, as well as an orange "warning" icon, and a red "down" icon (see column 5, lines 47-62. Boukobza further suggests that this is done to address the slow reaction time when an event occurs (see column 2, lines 4-10).

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to modify AtGuard by using a green icon is used to denote OK status, as well as an orange "warning" icon, as disclosed by Boukobza, in order to address the slow reaction time when an event occurs.

Allowable Subject Matter

6. Claims 38, 43, 54, and 59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 38 and 54, AtGuard is implemented as a standalone program that runs concurrently with browsers and would not be easily integrated into a web browser. No other art was found that would suggest integrating the claimed functionality directly into a browser window.

Regarding claims 43 and 59, AtGuard has no facility to determine the original source of a cookie, and no art was found that could be introduced to give that capability.

Response to Arguments

8. Applicant's arguments filed 14 July 2004 have been fully considered but they are not persuasive. The CookieAssistant function in AtGuard is an optional component that is invoked according to a rule trigger only if the user has configured it to do so. If it is not triggered, then all processing is automatic according to the specified rules.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached at (571) 272-3838.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(703) 872-9306

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH



January 3, 2005



GREGORY MORSE
SUPERVISORY PATENT EXAMINER
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